

REMARKSClaim Changes

Claims 1, 5, and 6 – 9 have been amended to clarify and simplify the language.

Claims 11-15 have been newly added. Support for the new claims can be found at least in FIG. 6 and paragraphs 0070 - 0072 of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Acknowledgement of Allowable Subject Matter

Applicant thanks the Examiner for indicating the allowability of claims 2, 6/2, 7/2, and 8/2 once amended to be rewritten in independent form to include the limitations of the base claim and any intervening claims. Applicant defers amending the claims to give the Examiner the opportunity to consider Applicant's remarks enclosed herein.

Rejection of claims 1, 5-6, and 9-10 under 35 U.S.C. § 112, second paragraph

Claims 1, 5, and 6 – 9 were amended to remedy the objection under 35 U.S.C. §112, second paragraph. Applicant therefore submits that claims 1, 5-6, and 9-10 overcome this rejection. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Rejection of Claims 1 and 3-8 under 35 U.S.C. § 103 (a) as being unpatentable over US 2002/0021761(Zhang et al) in view of US 6,535,558(Suzuki et al)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al in view of Suzuki et al, as herein amended.

The Office Action on page 5 states “Suzuki teaches...reconstruction of an enhancement layer video object plane in the scalable video transmission....” The Office Action specifically refers to Column 21 Lines 8-21 of Suzuki as describing or being analogous to reconstruction of an enhancement layer video object plane in the scalable video transmission. This analogy is, however, a mischaracterization of Suzuki.

Applicant respectfully submits that the combination of Zhang et al and Suzuki et al does not suggest or describe all the claim limitations as set forth in independent claim 1. For example, independent claim 1 recites “reconstruction of an enhancement layer video object plane in the scalable video transmission ...” which are not taught or suggested in the combination of Zhang et al and Suzuki et al. Independent claim 5 recites “identifying...correct reference video object planes to be used in a reconstruction of an enhancement layer video object plane in the scalable video transmission” which are not taught or suggested in the combination of Zhang et al and Suzuki et al. Since the combination of Zhang et al and Suzuki et al fails to disclose Applicant’s claimed invention as claimed in independent claims 1 and 5, Applicant respectfully requests withdrawal of the rejection of claims 1 and 5 under 35 USC 103(a). Applicant requests that claims 1 and 5 now be passed to allowance.

Zhang is directed towards addition of many resynchronization marks within each frame, such that upon detecting an error in a packet, the decoder can seek forward in the bitstream for the next known resynchronization mark and begin decoding next video packet. Zhang on page 6 and paragraph 0080 states “upon detection of an error, the decoder seeks forward in bitstream 700 for the next resynchronization word 702. Once the marker is found, the decoder begins decoding the next video packet.” Further, Zhang according to FIG 7 and associated description

on page 6 paragraphs 81 and 82 states "... since the error cannot be precisely specified, all data between the two resynchronization markers 702 is discarded." Therefore, Zhang describes about discarding of the part of bitstream when the error is detected. Further, Zhang also describes that recovering from the error begins by decoding the next video packet. However, Zhang does not describe a reconstruction of an enhancement layer video object plane in the scalable video transmission, as recited by the independent claims 1 and 5.

Suzuki is directed towards a picture encoder for encoding picture signal of a lower hierarchy representing pre-set picture signals and picture signals of an upper hierarchy similarly representing pre-set picture signal. Suzuki's abstract. Suzuki according to FIG. 10 and associated description in lines 8-12 of column 21 states "... a flag specifying which layer picture other than the same layer has been used for generating the prediction reference picture is set...." Therefore, Suzuki describes about a flag specifying which layer pictures other than the current layer pictures are to be used in decoding. Further, Suzuki according to FIG. 11 and associated description in lines 13-15 of column 21 states "... a flag specifying from which layer the forward prediction or backward prediction is to be made is set...." Suzuki, also states in column 21 lines 1-10 "[i]n prediction in the upper layer...pictures of a scalable layer different from the picture for encoding, such as a lower layer picture of low resolution can be used as a reference picture. It is therefore necessary with the upper layer to transmit a flag specifying which layer picture has been used as a reference picture for generating the prediction reference picture." Therefore Suzuki describes about prediction of upper layer pictures using the flags included along with the upper layer picture. However, Suzuki fails to describe a reconstruction of an enhancement layer video object plane in the scalable video transmission, as recited by the independent claims 1 and 5.

Therefore, Zhang describes discarding of the data after the error has occurred and until a next video packet is decoded. As such, there is no suggestion in Zhang to save the data discarded after the error for reconstruction. Suzuki, as mentioned above, describes the prediction of an upper layer picture using flags and lower layer pictures, which is not equivalent to Applicant's reconstruction. Therefore, Suzuki's prediction of upper layer picture based upon the flags cannot be applied to the teaching of Zhang. Hence, the application of Suzuki and Zhang should be

withdrawn. In view of the foregoing, Zhang and Suzuki do not suggest or describe the reconstruction of the enhancement layer, as recited by independent claims 1 and 5.

Dependent claims 3-4 and 6-8 depend from, and include all the limitations of independent claims 1 and 5. Therefore, Applicant respectfully requests reconsideration of dependent claims 3-4 and 6-10 and requests the withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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